

United States District Court

EASTERN DISTRICT OF WISCONSIN

JUDGMENT IN A CIVIL CASE

FLYING J, INC.,

Plaintiff,

v.

CASE NUMBER: **08-C-110**

**J.B. VAN HOLLEN, Attorney General of Wisconsin,
ROD NILSESTUEN, Secretary of the Wisconsin Department of
Agriculture, Trade and Consumer Protection,**

Defendants.

- Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.
- Decision by Court.** This action came on for consideration and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that the Wisconsin Unfair Sales Act, Wis. Stat. § 100.30 motor vehicle fuel provisions are unconstitutional because they violate the Sherman Act's prohibition against restraints of trade. *See* 15 U.S.C. § 1.

The defendants are enjoined from enforcing the motor vehicle fuel provisions of the Unfair Sales Act.

Plaintiff Flying J, Inc.'s motion for summary judgment is **GRANTED**.

Defendants J.B. Van Hollen and Rod Nilsestuen's motion for summary judgment is **DENIED**.

This action is hereby DISMISSED.

February 11, 2009

Date

JON W. SANFILIPPO

Clerk

s/ Linda M. Zik

(By) Deputy Clerk

APPROVED AS TO FORM:

s/ Rudolph T. Randa

Hon. Rudolph T. Randa
Chief Judge
February 11, 2009